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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/232,397	01/15/1999	ALI SALEH	M-7165-US	1881

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EXAMINER

NGUYEN, HANH N

ART UNIT	PAPER NUMBER
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2662

DATE MAILED: 03/19/2002

10

Please find below and/or attached an Office communication concerning this application or proceeding.

TR

Office Action Summary

Application No.

09/232,397

Applicant(s)

SALEH ET AL.

Examiner

Hanh Nguyen

Art Unit

2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13,33,35 and 36 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13,33,35 and 36 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5 & 6</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 3, 4, 6, 8, 9, 10, 11, 12, 13, 33, 35, 36 are rejected under 35 USC 102(e) as being anticipated by **Chaudhuri** (US Pat. No. 6,324,162 B1).

In claims 1, 33 and 35, **Chaudhuri** discloses, in Fig.3, a network configuration 10 comprising nodes 12A ... 12E communicating via optical paths 14₁ ... 14₁₀. Node 12E communicates to node 12 D via optical paths 14₃, 14₉ and 14₁₀ (provide a virtual path between a first node and a second node). See col.2, lines 52-65. In case the link path 14₉ fails, node 12E switches traffic via alteration paths 14₈, 14₇ and 14₆ to node 12D. The routed traffic via the alteration paths is automatically configured based on pre-computed paths stored in each node and path database 26, restoration path database 28 and link database 24 (Discovering a physical

Art Unit: 2662

path from the first node to the second node by automatically identifying intermediate nodes). See col.7, lines 62-65 & col.6, lines 10-25, lines 35-45 & col.3, lines 47-55. Finally, node 12E is coupled to node 12D via nodes 12F, 12G, links 14_8 , 14_7 and 14_6 (establishing the virtual path by configuring a set of links and intermediate nodes connections between the first node and the second node). See col.7, line 62 to col.8, lines 40.

In claim 3, the limitation of this claim has been addressed in claim 1.

In claims 9 and 36, the limitations of these claims have been addressed in claim 1.

In claim 10, the limitation of this claim has been addressed in claim 1.

In claims 11, 12 and 13, **Chaudhuri** discloses, in Fig.2, a restoration path system 20 comprising link database 24, path database 26, restore database 28 to restore alteration paths. The pre-computed path information is pre-stored in end-point nodes to enable the end-point nodes to establish rapid restoration (each node maintains a database which allows the discovering of physical path to proceed more quickly). See Abstract, col.3, lines 48-60. Path database 26 include a record showing paths connecting nodes together wherein each node monitors the links to detect a failed link (determining if neighboring nodes have failed). See col.3, lines 50-55 & col.4, lines 5-15.

In claims 4, 6 and 8, **Chaudhuri** discloses, upon receipt at node 12A of an indication of a failure in link 14_9 from node 12D, node 12A inserts a path alarm indication signal on a still-working segment of the path for receipt at node 12E at which traffic is terminated (terminating virtual path by sending a termination message between nodes; each of links is de-allocated). See col.34-40. Since the network 10 automatically restores alteration paths when a failed path occurs; therefore, primary paths between nodes are de-allocated or terminated simultaneously

Art Unit: 2662

while the path restoration is being established (intermediate links are substantially de-allocated simultaneously upon reception of a terminated message).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 7 are rejected under 35 USC 102(e) as being anticipated by **Chaudhuri** (US Pat. No. 6,324,162 B1).

In claims 5 and 7, **Chaudhuri** does not disclose the intermediate links are available for re-use upon de-allocation. It is obvious that once a termination message is sent on the intermediate links connecting end-point nodes to terminate primary path, one or more of the intermediate links are still available to couple end-point nodes. Therefore, it would have been obvious connect the rest of intermediate links between end-point nodes in **Chaudhuri** in order to obtain shortest paths between end-point nodes.

Claim 2 is rejected under 35 USC 102(e) as being anticipated by **Chaudhuri** (US Pat. No. 6,324,162 B1) in view of **Nishio et al.** (US Pat. No. 6,041,037).

In claim 2, **Chaudhuri** does not disclose testing virtual path by testing intermediate links and nodes. **Nishio et al.**, in Fig.3, that upon receiving a virtual path fault notification signals 430, 432, the ATM virtual path switching node 402 checks whether virtual paths 420 to

Art Unit: 2662

422 the transmission source switching terminal (testing virtual path by testing intermediate links and nodes). See col.16, lines 49-55. Therefore, it would have been obvious test each node and link in **Chaudhuri** in order to ensure that the restoration paths connecting nodes are coupled together.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ueki (US Pat. No. 6,075,775) discloses Method of Checking and Correcting Virtual Path Connection Selection Right of Fixed-Length Cell Handling Exchanges.

Venkatesan (US Pat. No. 5,999,286) discloses Method and System for Restoring a Distributed Telecommunications Network.

Chaudhuri (US Pat. No.6,130,876) discloses Method and Apparatus for Restoring a Network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 703 306-5445. The examiner can normally be reached on Monday-Friday 8:30 AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 703 306-4744. The fax phone numbers for the organization where this application or proceeding is assigned are 703 305-3988 for regular communications and 703 308-9051 for After Final communications.

Application/Control Number: 09/232,397

Page 6

Art Unit: 2662


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-4700.

Fax number : 703 872-9314

Hanh Nguyen



March 7, 2002


Aja Patel
Primary Examiner